

REMARKS

Applicant has carefully reviewed the Office Action mailed July 2, 2007 and offers the following remarks to accompany the above amendments.

New claims 38-40 have been added. Claims 1, 4, 6-27, 30, and 32-40 remain pending. No new matter has been added and no new search is required.

Claims 1, 4, 6-27, 30, and 32-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,176 B1 to Christie, IV (hereinafter "Christie") in view of U.S. Patent No. 6,981,022 B2 to Boundy (hereinafter "Boundy"). Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03. If the Patent Office cannot establish obviousness, then the claims are allowable.

Claim 1 is used as an example. Claim 1 recites a method for associating multimedia clients with telephony devices comprising:

- a) receiving from a first telephony device having a first telephone number a second telephone number associated with a second telephony device to initiate a voice call from the first telephony device to the second telephony device;
- b) determining if the first telephony device is associated with a first multimedia client;
- c) obtaining a first address associated with the first multimedia client from a first service node based on the first telephone number;
- d) determining if the second telephony device is supported by the first service node;
- e) if the second telephony device is not supported by the first service node, routing call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network; and
- f) establishing a voice connection for the voice call to the trunk gateway.

Claims 15, 18, and 27 recite similar limitations and are patentable for at least the same reasons as set forth below with respect to claim 1.

The Patent Office now admits that Christie does not teach each and every limitation of claim 1, and relies on Boundy to teach steps (b), (d), and (e) (Office Action dated July 2, 2007, p. 3). Applicant respectfully traverses. In particular, Boundy does not disclose the step of determining if the second telephony device is supported by the first service node and then

routing the call signaling for the voice call to a first call server if the second telephony device is not supported by the first service node, as recited in claim 1.

Boundy discloses an IP/PSTN hybrid multimedia conferencing system in which standard telephone and user station participants establish voice communications over the PSTN, and then exchange IP addresses in-band over the PSTN (Boundy, Abstract). User stations then negotiate capabilities over the IP network. *Ibid.* All users can participate at a base voice level over the PSTN while user stations can also establish extra-audio media streams over an IP network. *Ibid.* The user stations in Boundy are equipped with special purpose IP address sharing software such that after a conference call has been established between the user stations, one of the user stations invokes the special purpose software, which then transmits the IP address of that user station to the other user stations that have the special purpose software installed (Boundy, col. 3, line 33 through col. 4, line 17). Once the IP address is transmitted in-band over the PSTN, the user stations then negotiate multimedia capabilities over the IP network so that extra-audio multimedia conferencing may take place (Boundy, col. 4, lines 18-28).

Boundy does not disclose determining if the second telephony device is supported by the first service node and, if the second telephony device is not supported by the first service node, routing call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network. First of all, there is no determination made in Boundy as to whether the second telephony device is supported by the first service node. In Boundy, the user stations establish a conference call in a typical fashion. Then the special purpose software is invoked by user station 1 to send the IP address of user station 1 over the PSTN to all other user stations that have the special purpose software. User station 6 can then negotiate multimedia capabilities with user station 1 because it has the IP address of user station 1. There is no step of determining if the second telephony device (user station 6) is supported by the first service node that supports user station 1. Likewise, there is no routing call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network, when the second telephony device is not supported by the first service node. Boundy does not base call signaling on whether the second telephony device is supported by the first service node. Thus, Boundy does not teach or suggest “determining if the second telephony device is supported by the first service node” and “if the second telephony device is not supported by the first service node, routing call signaling for the voice call to a first call server, which controls a trunk gateway

interfacing with a packet network,” as recited by claim 1. Since Boundy does not teach or suggest these limitations of claim 1 and the Patent Office has admitted Christie does not teach them, the combination of Christie and Boundy does not teach or suggest each and every limitation of claim 1. Thus, claim 1 is patentable.

Second, call signaling for the voice portion of the call in Boundy is handled over the PSTN in a typical fashion (see Boundy, col. 3, lines 43-45). Thus, Boundy does not teach or suggest “routing call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network” if the second telephony device is not supported by the first service node. In all situations in Boundy, signaling for the voice call is handled in the same manner, regardless of whether the second telephony device is supported by the first service node. Thus, Boundy does not teach routing call signaling for the voice call in one manner (routing call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network) when the second telephony device is not supported by the first service node, and in a different manner when the second telephony device is supported by the first service node (see claim 5). Boundy therefore does not teach or suggest each and every limitation of claim 1 for this additional limitation. Since Boundy does not teach or suggest these limitations of claim 1 and the Patent Office has admitted Christie does not teach them, the combination of Christie and Boundy does not teach or suggest each and every limitation of claim 1. Thus, claim 1 is patentable.

Third, Boundy does not teach anything that can be construed to be the claimed service node. The Patent Office equates CO switch 3 of Boundy to be the first service node (Office Action mailed July 2, 2007, p. 3). As can be seen from the Specification of the present invention, the service node is not a central office switch in the PSTN (see Figures 1, 4, 5, 7, 8, and 10; see also paragraphs 0029 and 0030). One of ordinary skill in the art, having read the Specification, would not construe the CO switch 3 of Boundy to be the claimed service node. This is especially clear when examining system claim 27 of the present invention. Claim 27 specifically recites that the claimed system comprises a telephony switch supporting a first telephony device and adapted to perform steps similar to those claimed in claim 1. In particular, claim 27 recites that the telephony switch is adapted to determine if the second telephony device is supported by the first service node, and if the second telephony device is not supported by the

first service node, the telephony switch routes call signaling for the voice call to a first call server, which controls a trunk gateway interfacing with a packet network.

Presumably, the Patent Office is asserting that the CO switch 3 of Boundy would be the claimed telephony switch of claim 27. If the CO switch 3 of Boundy is alleged to be the claimed telephony switch of claim 27, then it cannot also be the claimed service node. If the CO switch 3 of Boundy is not alleged to be the claimed telephony switch, then the Patent Office has failed to show where Boundy teaches the claimed telephony switch of claim 27. Thus, Boundy does not teach the claimed service node. For this additional reason, Boundy does not teach or suggest “determining if the second telephony device is supported by the first service node,” as recited in the claimed invention.

In fact, in at least one embodiment of the present invention, it is the telephony switch that determines whether or not the called party (the second telephony device) is serviced by the service node that is servicing the calling party (the first telephony device) (Specification, paragraphs 0032-0036). Applicant has therefore added new claims 38-40, which claim this specific embodiment. Claims 38-40 depend from claims 1, 15, and 18, respectively, and recite that the steps of the method in the independent claim are performed at least in part by a telephony switch. Neither Christie nor Boundy, alone or in combination, teach or suggest a telephony switch that performs the steps of claims 38-40. In particular, the combination of Christie and Boundy does not teach or suggest that a telephony switch determines if the second telephony device is supported by a service node supporting the first telephony device. For the foregoing reasons, new claims 38-40 are allowable.

The Patent Office did not specifically address the limitations of claims 15 and 18 in the Office Action mailed July 2, 2007. Claims 15 and 18 have some similar limitations as claim 1, but also contain limitations different from those in claim 1. With respect to independent claim 15, Applicant previously argued that Christie does not teach determining if the second telephony device is supported by the same service node supporting the first telephony device and if so, then sending the telephone numbers for the first and second telephony devices from the telephony switch to the service node, which will provide a first address associated with a first multimedia client based on the first telephone number and a second address for a second multimedia client based on the second telephone number. In a similar fashion, Christie does not teach the step of determining if the second telephony device is supported by the first service node and if not, then

sending a second service node the first address and the second telephone number, identifying a second address associated with the second multimedia client at the second service node based on the second telephone number, and sending the first address to the second multimedia client using the second address, as required by claim 18. The Patent Office did not specifically address Applicant's arguments that Christie does not anticipate claims 15 and 18 and has not pointed to anything in Boundy that specifically teaches these different limitations of claims 15 and 18. Applicant finds no teaching or suggestion in Boundy of determining if the second telephony device is supported by the same service node supporting the first telephony device and if so, then sending the telephone numbers for the first and second telephony devices from the telephony switch to the service node, which will provide a first address associated with a first multimedia client based on the first telephone number and a second address for a second multimedia client based on the second telephone number, as required by claim 15. Likewise, Applicant finds no teaching or suggestion in Boundy of the step of determining if the second telephony device is supported by the first service node and if not, then sending a second service node the first address and the second telephone number, identifying a second address associated with the second multimedia client at the second service node based on the second telephone number, and sending the first address to the second multimedia client using the second address, as required by claim 18. Since neither Boundy nor Christie, alone or in combination, teaches each and every limitation of claims 15 and 18, the combination of Christie and Boundy does not render these claims obvious.

Claims 4 and 6-14 depend from claim 1, contain all of the limitations of claim 1, and further define the invention. Accordingly, claims 4 and 6-14 are patentable for at least the same reasons as claim 1.

Claims 16 and 17 depend from claim 15, contain all of the limitations of claim 15, and further define the invention. Accordingly, claims 16 and 17 are patentable for at least the same reasons as claim 15.

Claims 19-25 depend from claim 18, contain all of the limitations of claim 18, and further define the invention. Accordingly, claims 19-25 are patentable for at least the same reasons as claim 18.

Claims 30, 32, and 33 depend from claim 27, contain all of the limitations of claim 27, and further define the invention. Accordingly, claims 30, 32, and 33 are patentable for at least the same reasons as claim 1.

Claims 34-37 depend from claims 1, 8, 23, and 27, respectively. Thus, these claims are patentable for the same reasons set forth above with respect to those claims.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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By:

A handwritten signature in black ink that reads "John R. Witcher, III". The signature is written in a cursive style with a large, stylized "J" and "W".

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